

Wetlands & Part 91

What every Part 91 agency should
know when dealing with potential
wetlands on site.

What is a Wetland?

- Part 303, Wetlands Protection , of the Natural Resources and Environmental Protection Act defines "Wetland" as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.



Typical Forested Wetland in
Summer



Bog



Emergent Marsh

“Regulated” Wetlands

- Most (estimated 94%) of wetlands are regulated under Part 303.
- Feel free to contact wetland field staff with questions about determining the regulatory status of individual wetlands*. Field staff contact info is maintained at:
www.michigan.gov/jointpermit

*Please note, in most cases a field visit would be necessary to confirm or deny the existence of wetlands on a site.



Wetlands & Part 91

- Unless otherwise required in the County or Municipal Ordinance, Part 91 permits are not triggered by proximity to wetlands. Part 91 permits are only triggered by proximity to lakes or streams or earth change size.
- Regardless of whether or not a permit is required, Part 91 requires that a landowner implement practices to effectively reduce erosion or sedimentation from their property to waters of the state. Waters of the state includes wetlands regulated by Part 303.

Responsibilities Regarding Wetlands

- Ensure that SESC plans provide adequate protection of wetlands
- If the Agency determines a discharge of sediment to a wetland has or is likely to occur, take action appropriate to return the site to compliance

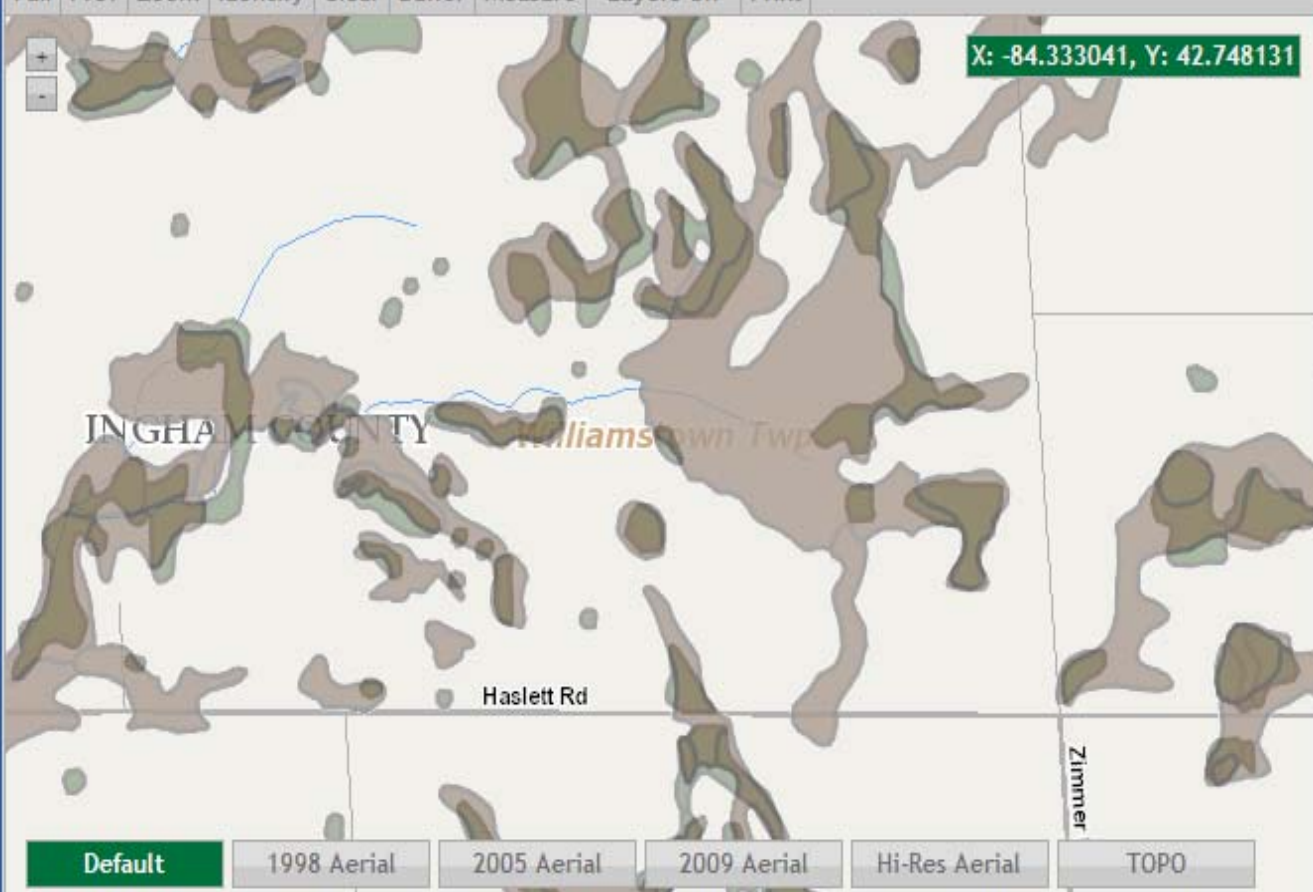


It Might be a Wetland If . . .

- It appears on the Michigan Wetlands Inventory (MWI) Maps. The maps can be found at: <http://www.mcgi.state.mi.us/wetlands/>
- If Hydric Soils are indicated. The MWI maps, NRCS hydric soils, USFWS National Wetland Inventory, and MIRIS wetland mapping are all good resources for indicating potential wetland areas.



Full Prev Zoom Identify Clear Buffer Measure Layers Off Print



Quick Zoom Tools

Map Layers

- ☒ Land and Water
 - ☐ Gage Stations
 - ☒ Lakes and Streams
 - ☐ Dams
 - ☐ Road-Hydrology Intersections
 - ☐ Amateur Recreational Prospecting Streams
 - ☐ 2010 Trout Streams
 - ☐ 2010 Trout Lakes
 - ☐ Part 303 Final Wetlands Inventory
 - ☒ Other Wetland Layers
 - ☒ Wetland (Hydric) Soils
 - ☒ National Wetlands Inventory
 - ☐ Potential Wetland Restoration
 - ☐ Conservation and Recreation Lands
 - ☒ Watershed Basins
 - ☐ Mitigation Watersheds
 - ☐ Other DNRE Layers

Map Legend

What if the Project Intends to Impact Wetlands?

- Ask the permittee if they have obtained a permit from DNRE for wetlands (aka Part 303)
- If they haven't, refer the permittee to DNRE and email DNRE wetland staff with a copy of the permittee's application and a brief description of how they might be impacting wetlands

What Can the Part 91 Permitting Agency Do to Protect the Wetlands?

- Because waters of the state (including regulated wetlands) must be protected pursuant to Section 9116, Part 91 agents can with-hold issuing permits and require a wetland identification/delineation prior to issuing a SESC permit if they suspect an area may be a regulated wetland

Resources for Landowners

- The Wetland Identification Program* – Landowners may request to have DNRE staff conduct a wetland delineation of parcels, up to 5 acres in size, or verify a flagged wetland boundary on any size parcel.
- The Pre-application Meeting* – Landowners may request an in-office or on-site meeting with DNRE wetlands staff to determine what permits may be required for any individual project.

* There is a cost associated with both these programs

Information on both programs may be obtained by contacting DNRE Wetland Field Staff or at www.michigan.gov/wetlands

What Can the Part 91 Permitting Agency Do to Protect the Wetlands?

- Suggested Part 91 permit condition for situations where there is some suspicion that regulated wetlands may occur within the project area:

*“This Part 91 permit involves an earth change activity that **may** also be regulated by Part 303, Wetlands Protection, of 1994 PA 451, as amended. This enforcing agency is not authorized to implement Part 303 or make wetland determinations, and this permit does not authorize work in regulated wetlands. It is the responsibility of the applicant to ensure that regulated wetlands are not impacted or to acquire a permit authorizing wetland impacts from the Michigan Department of Natural Resources and Environment” (DNRE) prior to the initiation of the earth change referenced in this permit.*

*A copy of this permit is being provided to [name & tx number] of the DNRE. Work in regulated wetlands without **all** of the relevant permits may be a violation of both Part 91 and Part 303.”*

Thanks for doing your Part to Protect Michigan's Wetlands!

